

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RL.P52856WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP2003/050618	International filing date (<i>day/month/year</i>) 11.09.2003	Priority date (<i>day/month/year</i>) 11.09.2003
International Patent Classification (IPC) or both national classification and IPC H04B7/26		
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application

Date of submission of the demand 11.07.2005	Date of completion of this report 31.08.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Sorrentino, A Telephone No. +31 70 340-4107



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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-14
No: Claims

Inventive step (IS) Yes: Claims 1-14
No: Claims

Industrial applicability (IA) Yes: Claims 1-14
No: Claims

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: EP-A-1 286 491 (MATSUSHITA ELECTRIC IND CO LTD) 26 February 2003
(2003-02-26)

- 1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

A method for aligning transmission time intervals of physical channels in the uplink and downlink directions of a bidirectional radio communication system (fig. 6)

The subject-matter of claim 1 differs from this known in that

- The response processing delay is measured or estimated at a user terminal
- Depending on this measurement or estimate Transmission Time Intervals of an uplink physical channel are delayed with respect to the corresponding downlink physical channels

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as minimizing Round Trip Delay (RTD).

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

In D1 response processing delay is not measured or estimated but user terminal has at its disposal *predetermined* multiple time instances (sub TTI, as defined in D1) to send uplink data (ACK/NACK) according to its own signal processing capabilities and used modulation type. Slower user terminal will send uplink data after a longer delay compared to faster user terminal, but no measurement or estimation of actual

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response processing delay is involved or suggested. Applicant's solution permits a further refinement of the Round Trip Delay when compared to D1.

- 2 The same reasoning applies, mutatis mutandis, to the other corresponding independent claims that, therefore, also meet the requirements of the PCT with respect to novelty and inventive step.
- 3 Claims 2-10,12 are dependent on claim 1 and 11 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.